

AMENDED IN SENATE JANUARY 5, 2016

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 787

Introduced by Senator Bates

(Principal coauthor: Assembly Member Brough)

February 27, 2015

An act to add Section 1255.23 to the Health and Safety Code, relating to hospitals, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 787, as amended, Bates. Hospitals: closures.

Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, by the State Department of Public Health. Existing law authorizes a general acute care hospital, as defined, to offer special services, including, but not limited to, emergency medical services. Existing law requires a hospital that provides emergency medical services to provide notice of the planned reduction or elimination of those services to certain entities and the public, as specified.

This bill would authorize Saddleback Memorial Medical Center to operate an emergency department at its San Clemente campus, subject to specified requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the communities of San Clemente, Dana Point, and San Juan Capistrano.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1255.23 is added to the Health and Safety
- 2 Code, immediately following Section 1255.2, to read:
- 3 1255.23. (a) Notwithstanding any other law, Saddleback
- 4 Memorial Medical Center may operate an emergency department
- 5 at its San Clemente campus, subject to *approval by the department*
- 6 *and all of the following requirements:*
- 7 (1) The emergency department shall operate under the
- 8 consolidated license of Saddleback Memorial Medical Center and
- 9 meet all of the requirements imposed under that license, including
- 10 being within 15 miles of its parent hospital.
- 11 (2) The emergency department shall be a conversion from a
- 12 previously existing acute care campus and may not be a newly
- 13 developed freestanding emergency department.
- 14 (3) The emergency department shall be open 24 hours a day,
- 15 365 days a year.
- 16 (4) The emergency department shall be staffed by at least one
- 17 board-certified emergency physician at all times.
- 18 (5) The emergency department shall be staffed with properly
- 19 trained emergency room nurses and meet the minimum staffing
- 20 requirements for emergency departments in this state.
- 21 (6) The emergency department shall have a complete range of
- 22 laboratory and diagnostic radiology services, including a complete
- 23 array of laboratory test, basic X-ray, computerized tomography
- 24 (CT) scan, and ultrasound capabilities.
- 25 (7) The emergency department shall meet the specialty call
- 26 requirements, as defined by the Orange County Emergency Medical
- 27 Services Agency, under its consolidated license.
- 28 (8) The emergency department shall have transfer agreements
- 29 with specialty centers, such as trauma, burn, and pediatric centers,
- 30 to meet the needs of the injury or patient population served in the
- 31 community.
- 32 (9) The emergency department shall have the capabilities to
- 33 stabilize patients with emergency medical conditions and to
- 34 transport them to its parent hospital or other higher level of care

1 facilities in a safe and timely manner, consistent with the standards
2 of care in the local communities.

3 (10) The emergency department shall have a fully functioning
4 transport program with a proven track record of safely transporting
5 patients who require admission to its parent hospital or other higher
6 level of care and specialty services facilities, such as trauma, burn,
7 and pediatric facilities.

8 *(11) The emergency department shall satisfy any other*
9 *site-specific criteria that the department deems necessary.*

10 ~~(11)~~

11 (12) All applicable federal and state regulatory requirements
12 shall be met under the consolidated license of Saddleback
13 Memorial Medical Center, including all applicable regulations of
14 the *federal* Centers for Medicare and Medicaid Services and Title
15 22 of the California Code of Regulations.

16 (b) Nothing in this section shall be construed to require
17 Saddleback Memorial Medical Center to provide for concomitant
18 acute care services at the San Clemente campus or to seek
19 additional licensure for operation of the emergency department
20 that is authorized pursuant to this section.

21 SEC. 2. The Legislature finds and declares that a special law
22 is necessary and that a general law cannot be made applicable
23 within the meaning of Section 16 of Article IV of the California
24 Constitution because of the unique circumstances regarding the
25 provision of emergency medical services to the communities of
26 San Clemente, Dana Point, and San Juan Capistrano.

27 SEC. 3. This act is an urgency statute necessary for the
28 immediate preservation of the public peace, health, or safety within
29 the meaning of Article IV of the Constitution and shall go into
30 immediate effect. The facts constituting the necessity are:

31 In order to ensure the provision of emergency medical services
32 to the communities of San Clemente, Dana Point, and San Juan
33 Capistrano at the earliest point in time, it is necessary that this act
34 take effect immediately.